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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF DAVID Z. BECHER et al.
SERIAL NO. 09/652,771
FILED AUGUST 31, 2000
FOR ENHANCED METHOD FOR KILLING WEEDS WITH GLYPHOSATE
HERBICIDE

ART UNIT 1616

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

We, David Z. Becher, Al S. Wideman and James C. Forbes declare as follows:

1. We are the inventors of the subject matter claimed in the above-entitled United States patent application, Serial Number 09/652,177.
2. We are submitting this Declaration to establish completion of our invention in the U.S. before May 6, 1999, the international publication date of WO 99/21423 (Parker et al).
3. We reduced to practice the invention claimed in this application in the United States before May 6, 1999.
4. Facts in support of this Declaration are attached hereto as Exhibit A. Exhibit A is a true and correct copy of experimental note book page numbers 6471749 and 6471750 (with dates deleted), upon which the table at page 14 and Examples 1 and 2 of the 09/652,771 application is based. Specifically, compositions 49A, 49B, 50A, 50B and 50C of Exhibit A correspond to Compositions A-E, respectively, of the 09/652,771 application. We further declare that TAME 105 is polyoxyethylene (15) tallow amine and Hamposyl C is cocoyl sarcosine, as referenced in Exhibit A. As such,

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Z. Becher

David Z. Becher

8/21/2002

Date

Al S. Wideman

Date

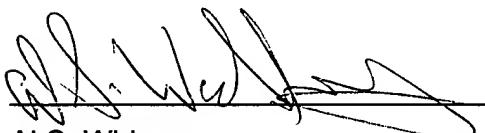
James C. Forbes,

Date

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Z. Becher



Al S. Wideman

Date

8-21-02

Date

James C. Forbes

Date

Exhibit A evidences our reduction to practice of the invention claimed in the application prior to May 6, 1999.

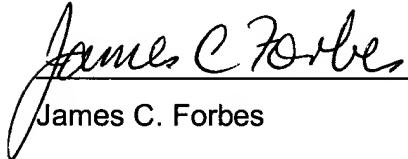
5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David Z. Becher

Date

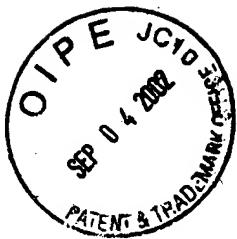
Al S. Wideman

Date


James C. Forbes

Aug 21, '02

Date



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6474749
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2002

JECT

Samples for glyphosate bioassay

OB NO.

PREPARED BY (SIGNATURE)

Carol Becker

Formulations for biological testing of synergy between
TAME-105 and Humicrol C in potentiating glyphosate

49A

16.90g	6352094A
128.59g	MON 0139 code 205 GLP-9806-8977-T
0.93g	6352094P
0.17g	MON 0139 code 205 GLP-9806-8977-T
172.52g	DI WATER
5.78g	5-sopropyl amine

were combined in a 100g jar
and mixed with a magnetic
stirrer to create a clear solution

49B

132.07g	MON 0139 code 205 GLP-9806-8977-T 45.72%
14.84g	TAME-105
183.55g	DI water
procedure as above	

composition 49A

6352094P	5.49%	Humicrol C	4.51%
MON 0139	39.63%	MON 0139	39.63%
WATER	53.10%	WATER	53.10%
TPA	1.78%	TPA	2.76%

composition 49B

TAME-105	4.49%
MON 0139	39.97%
WATER	55.54%
18.27% ae	

EXHIBIT

A

READ AND UNDERSTOOD BY

Carol Becker

DATE

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MONSANTO COMPANY

№ 6471750

SUBJECT

cont from p 49

JOB NO.

PREPARED BY (SIGNATURE)

DATE

Carol Becker

In a 125 ml bottles were
combined

50A

50B

50C

90.00g

49A-49B

60.00g

30.03g

30.07g

49B

60.04g

90.08g

Shaken to mix

compositions

50A

50B

50C

MON B139

39.72%

39.80%

39.88%

AMMOSYLC

3.38%

2.25%

1.13%

TAME-05

1.12%

2.25%

3.37%

IPA

2.07%

1.38%

0.69%

WATER

46.5371%

54.32%

54.93%

Glyphosat a.e.

18.162

18.20%

18.23%

Mettler Pear Densitg (g/cm³)

g/l glyphosat

l/l surf

49A 1.0900

197

49

50A 1.0911

198

49

50B 1.0923

199

49

50C 1.0936

199

49

49B 1.0941

200

49

READ AND UNDERSTOOD BY

DATE

Diane Carroll